

C A D W A L A D E R

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VIA ECF FILING AND EMAIL

Honorable Andrew L. Carter, Jr.
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007
ALCarterNYSDChambers@nysd.uscourts.gov

Re: *In re North Sea Brent Crude Oil Futures Litigation*, No. 13-md-2475 (ALC)

Dear Judge Carter:

I am counsel for defendant Morgan Stanley in the above referenced action. I write on behalf of six defendants¹ to request an adjournment of the parties' time to file a joint scheduling report.

We apologize to the Court for the timing of this request. There are approximately 20 law firms listed on the complaints in these consolidated cases and it has understandably taken time (until today) to obtain confirmation from plaintiffs that all plaintiffs agree that it would be advisable to request adjourning the filing of the report which is due tomorrow, February 13, 2014, at least until lead counsel is chosen.²

Deferral of the time to file a joint scheduling report is appropriate in light of the posture of this case. The schedule for discovery and motions as well as the other matters on which the parties must jointly report are substantially dependent on the content of an operative complaint.

¹ Morgan Stanley, BP plc, Royal Dutch Shell plc, Statoil ASA, Trafigura AG, and Phibro Trading LLC ("Defendants").

² This matter has been designated for inclusion in the Pilot Project Regarding Case Management Techniques for Complex Civil Cases ("Pilot Project"). The Pilot Project requires the parties to submit an initial joint scheduling report seven days before the initial pretrial conference, which is set for February 20, 2014.

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Such a complaint has yet to be filed in this MDL. The claims in this MDL are currently the subject of 12 separate complaints that differ somewhat in their factual contentions and named defendants. Moreover, the fact that a lead plaintiff has not yet been appointed makes it difficult to confer and agree on the content of a joint report in advance of the currently scheduled initial pretrial conference. Given the state of these proceedings, Defendants respectfully request that the Court continue the joint report obligation until Plaintiffs' lead class counsel is selected and a consolidated amended complaint is filed. As noted above, we understand the firms representing the plaintiffs are in general agreement that deferring the joint report at least until lead counsel is appointed makes sense. Defendants believe that once lead counsel has been appointed and a consolidated amended complaint has been filed, we can engage with lead counsel to discuss the joint report and its submission to the Court.

Defendants also respectfully suggest that for the same reasons the Court defer the initial pretrial conference until after the consolidated amended complaint has been filed, at which time we will know which counsel speaks for plaintiffs, the scope of the claims plaintiffs seek to pursue, and the defendants that are being named in the case.

Respectfully submitted,



Gregory A. Markel

cc: All Counsel of Record (via ECF)